

**BOROUGH OF WESTWOOD  
WORK MEETING OF THE MAYOR & COUNCIL  
NOVEMBER 9, 2010 MINUTES  
MUNICIPAL COMPLEX  
101 Washington Avenue  
7:30 PM Executive Closed Session/8:00 pm Work Session**

**1. Opening of the Meeting:**

The meeting was called to order by Mayor Birkner at 7:30 pm. Mayor Birkner then read the Open Public Meetings Law Statement: "This meeting which conforms with the Open Public Meetings law, Chapter 231, Public Laws of 1975, is a regular Borough Council meeting. Notices have been filed with our local official newspapers and posted on the municipal bulletin board."

**2. Roll Call:**

Mayor Birkner – Present  
Councilmember Grefrath - Present  
Councilmember Phayre - Present  
Councilmember Quinn - Present  
Councilmember Sciara - Present  
Councilmember Waneck - Present  
Council President Miller - Present  
Borough Administrator Hoffmann - Present  
Borough Attorney Huntington - Present  
Borough Clerk Hughes - Present

**Committee Assignments:**

Finance, Administration & Capital Projects  
Public Properties  
Health & Recreation  
Fire & Ambulance  
Land Use  
Police & OEM

**3. Executive Closed Session:**

**RESOLVED THAT** the Mayor and Council of the Borough of Westwood shall convene in Executive Closed Session to discuss the following matters:

Personnel Matters  
Pending/Potential Litigation  
Attorney's Report

Said discussions are deemed legally confidential pursuant to NJSA 10:4-12(b)

- (7) Litigation or contract negotiation, attorney/client
- (8) Employment matters

The Clerk is directed to keep separate minutes of the meeting which shall be made public Once that matter has been resolved.

**Motion to enter Closed Session with the intention to reconvene in Open Session:** Council President Miller Second: Councilmember Sciara

Roll Call: Councilmember Sciara - Yes

Councilmember Phayre - Yes  
Councilmember Quinn - Yes  
Councilmember Sciara – Yes  
Councilmember Waneck - Yes  
Council President Miller – Yes

**4. Reopen the Meeting:**

**Motion to reopen the meeting:** Councilmember Sciara

Second: Council President Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

The time was 8:00 pm.

The meeting was reconvened in the Council Chambers for the Veterans' Presentation.

**5. Roll Call II:**

Mayor Birkner – Present

Councilmember Grefrath - Present

Councilmember Phayre - Present

Councilmember Quinn – Present

Councilmember Sciara - Present

Councilmember Waneck - Present

Council President Miller - Present

Borough Administrator Hoffmann - Present

Borough Attorney Huntington - Present

Borough Engineer Boswell - Present

Borough Clerk Hughes – Present

**6. Presentation of Colors by the Westwood Fire Department Color Guard**

**7. Flag Salute**

Council President Miller gave the invocation. Mayor Birkner led those present in the salute to the flag.

**8. Veterans Day Salute to Westwood's World War II and Korean War Veterans**

The Governing Body presented the Veterans with a Certificate of Honor in appreciation for their service to America during World War II and Korea.

There was a brief recess at this time. The Governing Body reconvened the work meeting in the conference room.

**9. Reports of Committees and Officials:**

**A) Mayor's Report**

**1) 2009 NJDOT Project**

Mayor Birkner announced that work being done on Irvington Street under a 2009 NJDOT grant. The work should be completed by next Wednesday.

**2) Shared Services**

Mayor Birkner advised that the Shared Service Committee with Hillsdale and Washington Township continues to meet and look for common denominators. The next meeting will be held in 2011.

**3) Westvale Park**

Mayor Birkner commented that progress at Westvale is quite amazing. There is quite an incredible transformation. The Sports organizations will purchase and install a flagpole in the area near the concession stand.

Regarding the United Water well reactivation, Mayor Birkner doesn't recall a discussion to reintroduce the matter of the well. It was discussed over a year ago, at which time Dr. Boswell determined that water quality would not allow the Borough to pump water. Mayor Birkner is not sure why it's being brought up at this time. He doesn't recall charging Boswell to revisit the well issue. If the water is viable the Borough will revisit the matter, but Mayor Birkner thought the data said the water wasn't usable. Mr. Senkevich said the data may have been from the 1960's. Because of increased water charges by United Water he thought it should be looked at. Mr. Senkevich doesn't recall if the matter was definitely dropped. Councilmember Grefrath said was discussed a while ago. The Council liked the idea but was told the water was not of a quality to use. Councilmember Phayre said there is also the question of whether the Borough has a legal right to use the water. Mr. Morris said United Water finally approved the use of the well. Councilmember Waneck asked the Clerk to look back through the minutes to find out if the water was usable. Mr. Huntington asked the difference between potable water and irrigation quality water. Mr. Morris said if water is being pumped it is required to be potable. Mayor Birkner asked if reclaimed water is used. Mr. Morris said yes, but as far as he knows it is required to be potable water.

Regarding the PSE&G charge for electrical service, Mayor Birkner has had conversations with Mark Lish. This is not new policy, it is long standing, but PSE&G has tightened accounting procedures, so they are no longer able to write off connections to municipalities for upgraded services. There is a grant program available to the Borough to reimburse these costs. Mayor Birkner has spoken to the Chamber of Commerce about acting as an agent for the Borough. They are willing to do so, and will apply for the grant from PSE&G for reimbursement. Councilmember Waneck asked whether as part of the bid specs the electrical hookup was included. Mr. Hoffmann said that's correct. Councilmember Waneck believes that regardless of PSE&G's accounting it is part of the bid spec so it is the contractor's responsibility. Council President Miller asked who is obligated to pay if it is part of the bid. Mr. Huntington said he would have to look at how it is stated in the bid plans. Mr. Hoffmann will show Mr. Huntington the specs tomorrow. Councilmember Sciara

asked why the Borough paid it. Mr. Hoffmann said the Borough was told by Mr. Rossi that PSEG required a check or the project would be stopped. Mr. Hoffmann didn't want to stand in the way of progress. Councilmember Waneck wants it clarified if it was or wasn't in the spec before going through the grant application process. Mr. Huntington said if it is the contractor's responsibility then it can be taken off of their next bill.

**B) Engineer's Report**

**1) Bi-weekly Report**

Mr. Senkevich reviewed the bi-weekly report, a copy of which is attached.

**2) 2010 NJDOT Project**

Mr. Senkevich noted that bids have been received for the 2010 Pascack Valley NJDOT project. Boswell Engineering recommends the bid be awarded to D&L Paving. Council President Miller asked if cost was comparable to having bid it independently. Mr. Senkevich explained his bid analysis. Council President Miller noted that last year Dr. Boswell opined that as the largest user Westwood did not necessarily gain from a joint bid. He asked if that is the case this year. Mr. Senkevich said the bid price is not a bad price in the current market. Council President Miller didn't understand what that means. Mr. Morris said he would check the joint bid prices against any town that bid on its own recently to compare asphalt costs. Councilmember Sciara pointed out that there were savings on soft costs as well. Council President Miller agreed but wants to compare.

**3) Pascack Brook Sewer Project**

Mr. Senkevich reported that the carbon filter to alleviate the odor issue is on order. Some work is still being performed on the sewer pipe. Councilmember Phayre asked about weather variables affecting the carbon filter. Mr. Morris said weather does affect the odor level and filter. The new door has lessened the gasses. Mr. Morris believes the filter should solve all remaining issues. Boswell will monitor the situation. Councilmember Quinn voiced concern with the delay in receiving the filter. Councilmember Grefrath asked Boswell to contact the manufacturer and let Mr. Hoffmann know when the carbon filter will be received.

**4) Westvale Park**

Councilmember Grefrath asked how long the environmental monitoring at the park would last. Mr. Senkevich advised that during the renewal of the Title 5 permit it was mentioned that gas vent sampling could be done at the start and end of a five year program, so only twice. It will be up to the DEP whether they will relax the requirements from quarterly to semiannually. Councilmember Grefrath asked if this

will continue as long as the 30 year clock. Mr. Senkevich was not sure. Mr. Hoffmann interjected that he had spoken to the DEP Enforcement and Regulation Group, who is recommending monitoring be done once every 18 months going forward. If measurements continue to decline they will recommend the Borough doesn't need the full 30 years. It could end after 5 yrs.

Councilmember Phayre pointed out that November 10<sup>th</sup> is the last day of public comment on the Title 5 renewal. He asked what happens next. Mr. Senkevich said if no comments are received, the renewal could be awarded by the end of 2010, with the permit beginning in January 2011. Councilmember Phayre asked if this puts the cycle on a calendar year. Mr. Senkevich thinks so, which will make it easier to control.

Councilmember Grefrath asked when the dog run might be finished. Both Councilmember Phayre and Mr. Morris said work is being done on it today. Mr. Morris said as of 4 pm today it looked like the fence will be done by the end of the week. He is not sure when mulch will be installed. Mayor Birkner asked how much mulch is required for the dog run. He had an offer to donate 100 yards. Councilmember Sciara thought it had to be specific kind of mulch. Mr. Morris believes only playgrounds require specific mulch. Mayor Birkner said the donation is for certified mulch. He pointed out that the specification for the dog park is all playground mulch. He asked if it needs to be so, and if not, could the Borough save money. Mr. Morris will look into it.

Councilmember Waneck said she has asked and has not been able to obtain an answer regarding whether the fence is being boxed out or planters installed in the middle of the dog run for trees. Mr. Senkevich advised that trees cannot be planted. He is not sure if the center fence is being boxed out. Mr. Hoffmann said in his last conversation with Jim Fordham there would be room for planters in the middle. Councilmember Waneck asked if they knew the size. Mr. Hoffmann does not remember. Councilmember Waneck is concerned that the matter is not being taken care of. She asked for someone to take ownership of it and get back to her.

## **5) Westvale Financial Analysis**

Councilmember Grefrath noted the CFO and Auditor were present to discuss the Westvale Park finances. Mr. Hoffmann informed that the Finance Committee met with the Auditor to review the options suggested by the Council for financing the remaining work at Westvale. The Auditor provided a memo with options, as well as also revised spreadsheet with a revised estimate in support of the Auditors memo. Councilmember Waneck asked if this ties in with the memo from October 27<sup>th</sup>. Mr. Hoffmann said it does.

Mr. Vinci said the memo summarizes the costs for the Park by vendor. The largest is Let It Grow, who had the contract for the park itself. The total additional cost right now is \$442,000 over and above what was originally let out with contracts a

few months ago. Ordinance 10-4 has minimal money left. What is important for the continuation of the project is for there to be an appropriation in place to charge bills to. The Finance Committee went through ordinances currently on the books and laid out options for the Council to consider. Mr. Vinci stressed the appropriations must be in place by the end of the calendar year. The first option presented is a new ordinance to authorize additional debt. The second option is to review existing capital projects. Mr. Vinci explained that when a project is cancelled, the balance does not necessarily go into an account that would help a new ordinance. For example, if canceling an ordinance with a grant tied into it, you are theoretically canceling a receivable. It does not create capital surplus. Therefore, Mr. Vinci stated only \$150,000 in cancelled projects would be available for Westvale. This is still short of the need, if the \$440,000 is a hard number, which would either be made up from additional debt or using the capital improvement fund. Every capital ordinance requires a 5% downpayment in the capital improvement fund. The Borough can deplete that but it affects next year's budget, since that amount rolls forward yearly and does not roll into surplus.

Mr. Vinci continued that last year the Borough adopted an ordinance for the Pascack Brook of \$1,850,000. The estimated cost to complete that project is \$1.1 million. When the ordinance was adopted debt was authorized for \$1,825,000, so essentially there is a line of credit but it is currently restricted for use on Pascack Brook. An available option is to add a second purpose to the ordinance, without affecting the Borough debt. Mr. Vinci feels it is a viable option to amend the purpose of the ordinance to allow Westvale Park additional costs to be charged to it. There is \$650-750,000 available for Westvale in that ordinance, which is not to say it would be used. If amending the ordinance the Borough can use what is required for the brook and Westvale and cancel the unused amount at later date. Mr. Vinci said amending the ordinance is relatively painless and explained the process. His concern is to finalize the funding by the end of 2010.

Mr. Herr believes this is the best option, because it does not add new debt, and makes funds available to pay bills without obligating the council to pay any bills. The Council still has the right to reject any bills. When the two projects are finished the Borough can cancel out any remaining balance in the ordinance.

Council President Miller asked if both options 2 and 3 could be done. Clearly option 1 not going anywhere. Mr. Vinci said the ordinances should be reviewed and closed out where possible. The balances that go into a capital surplus account can be used in the following year's budget as a revenue to pay off additional debt.

Councilmember Waneck said the memo from October 27<sup>th</sup> identifies the amount available from the ordinances as \$179,900. She asked if the \$150,000 in Mr. Vinci's memo is based on different ordinances. Mr. Vinci thinks the \$179,900 included a capital ordinance with accounts receivables from the State tied in.

Councilmember Waneck read from the memo that established the \$179,900. Mr. Vinci said if the Borough did not permanently bond a project, the balance could not be redirected to Westvale. He thinks that schedule in the October 27<sup>th</sup> memo includes a grant receivable that would not be collected as well as projects that would not be permanently financed. Mr. Vinci recommended canceling the \$205, but only 150,000 will offset Westvale costs. Mr. Hoffmann pointed out that each of the ordinances has to be reviewed by the Auditor and read by the Bond Counsel. Councilmember Phayre said the options would have to be done separately. Councilmember Grefrath asked if it all has to be done by the end of the year. Mr. Vinci said yes.

Councilmember Waneck asked the existing amount of the capital improvement fund. Mr. Herr said there is \$315,000 in the capital improvement fund. Councilmember Grefrath calculated that with the \$150,000 that would cover everything if all the ordinances were closed by the end of the year. Councilmember Phayre pointed out that the capital improvement fund can't be wiped out. Councilmember Grefrath said he is not saying it is good, just talking numbers.

Councilmember Waneck asked about using surplus next year. Mr. Vinci said it could work. Surplus can only be used at the time of budget adoption, he is assuming current fund surplus. Councilmember Waneck explained the suggestion of using surplus to cover the Boswell bill in 2011. She understands it would be part of the 2% cap and would cause it to go over, but it's currently unknown if pensions will be in the cap or what the health reductions would be. Councilmember Phayre considered working off 09-05 and keep surplus in play. Mr. Vinci walked through the process of utilizing surplus while still paying down debt. What is unknown at this time is how much surplus will be left at the end of the year. He suggested considering expanding the purpose of the brook ordinance tonight, and look at the surplus as a 2011 option to accelerate the payback of the debt for this project.

Councilmember Grefrath asked if it is worthwhile to hold surplus or use it based on what is anticipated from the State. Mr. Vinci said all costs need to be considered during the budget development, especially since pension and health insurance are increasing. He said surplus has been used to lessen the tax impact on residents. The Borough currently has strong financials, and there is nothing to give the impression that that will not continue. Councilmember Grefrath asked Mr. Vinci if version 3 is the best option. Mr. Vinci said yes. The need to create financing quickly is important. It is not saying the Borough is using all the money in the Pascack Brook ordinance. It is basically a bank for whatever those additional costs may be. Councilmember Grefrath pointed out that the Borough can still retire whatever is left. Mayor Birkner added that option 2 can still be used to retire debt. Mr. Vinci advised that by reducing bond anticipation notes the Borough is reducing debt. Debt consists of bonds, notes, loans and projects that are authorized but not incurred yet. Councilmember asked Phayre if the ordinances should be cancelled this year. Mr.

Vinci said yes.

Councilmember Waneck asked if option 3 is actually issuing debt rather than retiring debt. She wants to know why it is cheaper to keep the debt rather than take money out of surplus and the capital budget. Mr. Vinci explained the surplus is not available until 2011. Councilmember Waneck said it is not needed for the one bill until 2011. Mr. Vinci stated that if the project is moving ahead there is the obligation to encumber the money. Mr. Huntington clarified that the Borough must have the ability to pay the debt. How it chooses to pay it is a different issue. If the Borough creates the ability to pay the debt, it can still investigate other sources to actually pay the debt, from other ordinances, from cancellations of other projects, or from further grants that might be obtained, assuming the creditors will be patient. But the Borough has to create the ability to pay the debts.

Councilmember Phayre pointed out that if the Borough uses the capital improvement fund, which is the downpayment for projects in 2011, it would have to be replenished. Councilmember Waneck theorized that one project should be paid for before incurring costs for new ones.

Council President Miller asked the status of the Green Acres grants. Mr. Hoffmann said there is no change on the \$123,000. It is at Green Acres, has been endorsed by Mr. Bechloff, and is now waiting for further signature. Council President Miller asked where the funding for the additional costs stands. Mr. Hoffmann said the Borough has sent a letter to the County asking for the additional funding, which means they in turn contact Green Acres and ask for funding. Council President Miller asked the time frame. Mr. Hoffmann has not followed up since last week. The last request was turned around in 3 weeks. Mr. Vinci explained the grant process, which is based on cost of project. The additional grant funding cannot be included in the ordinance right now because there is no approval, but if the money does come in it can be used to retire the Borough's portion of the debt. Council President Miller said those future funds can be used to pay off debt specific to this project. Mr. Vinci said yes, and Mr. Herr added that Bond Counsel agreed. Mr. Huntington pointed out that this is back to creating a source for paying debt. The actual payment method can change. Mr. Herr reviewed how much capital budget money was used so far this year on the project.

Council President Miller asked what the interest rate is on the sewer bond as compared to a new bond. Mr. Vinci informed that interest on a new bond is roughly 3%. The EIT loan interest is 1.5%. Council President Miller said this is more reason to not create new debt. Mr. Vinci said EIT is an excellent program. Council President Miller said we have to add purpose to the ordinance, and asked if there is any limit to the purpose added. Can the Borough look at other debt currently at 6% and retire that debt. Mr. Vinci said no, there is whole different mechanism to do that.

Councilmember Waneck suggested using the second option to keep the



amount used from the bond as low as possible. She is concerned by the tendency to spend what is authorized. Councilmember Grefrath said there is no increase to the ordinance, it is just adding a definition to the ordinance. He is looking to retire whatever debt is possible before the end of the year. But if the ordinances don't get done then option 3 makes the Borough able to pay its debt and not go over the deadline of December 31.

Councilmember Waneck asked why the debt cancellation wouldn't get done. Councilmember Grefrath said things happen. Councilmember Phayre said we want to get \$205,000 removed from the debt, but if we use option 3 at the end of the day we still end up with the same numbers. Councilmember Grefrath said option 3 permits the project to finish. Mr. Vinci pointed out that Bond Counsel will require additional paperwork to review to cancel the ordinances, which is making it a time sensitive matter. Council President Miller said if the borough is using funds from one source at least this is eliminating debt somewhere else. Mr. Vinci summarized that the Borough should pursue option 2 and cancel ordinances while using option 3 to encumber debt, and the money that goes into capital surplus can be used to retire debt next year. Councilmember Waneck emphasized the need to pursue canceling debt and other ways of paying the Westvale debt.

Council President Miller reconfirmed that the Borough can cancel any unused balance. Mr. Vinci said yes, once all bills are submitted for the projects.

Council President Miller asking why the soil not used credit is being applied against the sod in spreadsheet. That soil credit is not linked to the sod, it's linked to the project. Councilmember Sciara agreed that it is misleading and asked that the application be stopped. The number for sod is \$72,000; it doesn't go back to \$60,000. The \$12,000 credit comes against the total cost of the project. Mayor Birkner asked if it really cost \$72,000 or if it was lowered. Council President Miller said it was \$72,000 less \$25,000 which is \$47,000. There were other questions regarding credits. Councilmember Phayre noted there was a bit of a language barrier that the Finance Committee had to work out with the engineer. Council President Miller reiterated that what is in front of them is misleading. Mr. Hoffmann said it will put on the revised estimate.

Mayor Birkner asked if option 3 is what the Council wants to do. Councilmember Sciara stressed with discipline. Council President Miller said with option 2 included. Mayor Birkner said it is understood the Borough will retire debt. Councilmember Waneck commented that things in the past have not been executed the way the Council thought. She wants option 2 pursued, and debt retired. Councilmember Sciara is concerned that something will pop up at the next meeting. Mr. Huntington advised that if all can agree the Council pass a resolution that addresses option 2. Amending the ordinance under option 3 can't be linked to something else. The Council cannot apply conditions that have to be verified later,

such as subject to performing option 2 also.

Councilmember Grefrath summarized that the Governing Body can move forward on the ordinance for option 3 and Mr. Huntington can draft a resolution directing the CFO to perform option 2 as much as possible by the end of the year. Mr. Huntington can do that tonight. Councilmember Grefrath asked the Council's consensus. Council President Miller wants there to be no mistake that item #2 needs to be done. Just because the Governing Body is encumbering funding it does not mean it approves all the charges. Councilmember Grefrath confirmed that the ordinance doesn't have a number; it just gives the Borough the ability to pay.

Councilmember Quinn asked if making more money available for Westvale affects the grant application for the playground. Mayor Birkner said no, it enhances grant applications with the knowledge that we can match the grant. Councilmember Phayre said the Borough might see additional grant money from Green Acres. He asked if there is a cap on Green Acres. Mr. Hoffmann said \$5 million.

Councilmember Waneck asked the balance in the capital budget. Mr. Herr said there is \$315,000 left in capital. Councilmember Waneck asked why that isn't being used. Councilmember Phayre said capital is to fund ordinances. Mr. Herr pointed out that the Borough can fund some ordinances in full with that. Councilmember Phayre noted the Borough has to have 5% of a project in capital. Councilmember Waneck suggested the Borough stop spending on things. Council President Miller stated the Borough has debt to pay. He asked what happens if the capital budget is spent. Mr. Herr said the Borough would start next year with no money to fund ordinances. Council President Miller likened it to paying a 30 year mortgage in 15 yrs. It is committing to paying it down as if you have a written commitment, but not bound to it. Councilmember Waneck is agreeable so long as that is what the Borough does.

**Resolution #10 - 270:** Directing the CFO to Cancel Capital Improvement Ordinances with Unexpended Funds

**Motion to adopt resolutions #10-270:** Councilmember Grefrath

Second: Council President Miller

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller - Yes

## **10. Ordinances for Introduction**

10-27      An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New

Jersey, Amending Ordinance No. 09-05 Of The Borough Finally Adopted March 17, 2009, Providing For An Expansion Of The Purposes And Amendment Of The Useful Life Set Forth Therein

**BE IT RESOLVED** that Ordinance #10-27 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Amending Ordinance No. 09-05 Of The Borough Finally Adopted March 17, 2009, Providing For An Expansion Of The Purposes And Amendment Of The Useful Life Set Forth Therein” is hereby introduced by title; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to advertise said ordinance with an November 23 hearing date in the official newspaper according to law.

**Motion to pass the ordinance on First Reading:** Councilmember Grefrath

Second: Councilmember Phayre

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

## **11. Council Liaison & Committee Reports Continued:**

### **1) Finance, Administration and Capital Projects:**

#### **a) Shade Tree Update**

Councilmember Grefrath reported that Ginny Sauer of the Shade Tree Committee attended a shade tree conference. She accepted on behalf of the Borough a 6 foot white pine seedling grown from seeds germinated during a space shuttle mission. Councilmember Grefrath asked the Governing Body to consider where it should be located.

Councilmember Grefrath announced that Westwood has been designated as a Tree City again. Shade tree works very hard to obtain that designation.

### **2) Police and OEM:**

#### **a) Health Insurance**

Council President Miller reported that the HRA is moving towards implementation on January 1. He asked the status of the informational material and meetings. He would like to review any materials being distributed or presented. Council President Miller asked if there is a projected savings for 2011. Mr. Hoffmann will provide the

information.

**3) Fire and Ambulance:**

**a) Ambulance Corps Insurance Reimbursement**

Councilmember Sciara discussed the request from the Ambulance Corps to receive the JIF reimbursement for the first responder vehicle. The consensus was to give them the funds as long as they use it towards another vehicle.

**b) Train Station Leak**

The Heritage Society has reported to Councilmember Sciara that there is a water line has leak in the area of artifact storage. The Heritage Society has asked if car washes could be held off until the leak is fixed.

**c) Train Station Camera**

Councilmember Sciara reported that the cameras are installed at the train station. The communication line should be installed tomorrow. He asked whether notice should be posted that cameras are in use. Mayor Birkner, Councilmember Grefrath, and Councilmember Waneck preferred no notice be posted. Councilmember Sciara commented that there was an incident on Friday where some youths were spraying fire extinguishers and their faces appeared on camera. Mayor Birkner said the cameras have paid dividends right away.

**d) Fire Sirens**

Councilmember Sciara advised that the Fire Department tested the fire sirens on Sunday with the intent of addressing noise concerns from residents. They have adjusted the pitch and length of the sound. It took some time to accomplish because the siren is linked at the dispatcher desk to all other information on the screen, so everyone was leery to go into a program that could affect the Police Desk. Councilmember Phayre explained that when the dispatcher to dispatches the Fire Department it automatically triggers the siren.

**4) Public Properties:**

**a) Girl Scout Park Sign Replacement**

Councilmember Phayre relayed a request from the Girl Scouts to install a new sign to replace the existing one at Girl Scout Park. Mr. Huntington suggested a resolution authorizing the replacement of the sign at the exact location unless the Code Official states otherwise.

**5) Land Use:**

**a) Environmental Committee Update**

Councilmember Waneck explained a proposal from the Environmental Committee to allocate allocated \$1,500-2,000 in funds for Mr. Risbud to move forward with the water turbine.

Committee member Mike Ruane attended an ANJEC meeting, and came back with great ideas, one of which is for the Fire Department to use thermal imaging cameras to show homeowners where heat is being lost from the home. It can be done as a fundraiser

**b) Sustainable NJ Update**

Councilmember Waneck announced that the Borough achieved a bronze award from Sustainable NJ. Council President Miller asked what that means to the community. Councilmember Waneck explained it makes the Borough eligible for grants. A press release with details will be distributed shortly.

**c) Land Use Boards Update**

The Planning Board will undergo a Master Plan reexamination in 2011. One aspect they will look at is a Sustainable Plan element.

The LB3 and 1 zone ordinances are being tweaked to expand uses in the zones. It will include mixed use professional buildings and apartments. It is not taking away emphasis from the downtown area.

**d) Dog Run Accoutrements**

Councilmember Waneck discussed the prices and styles of the dog run collection bags.

**6) Health and Recreation:**

**a) Recreation Update**

Councilmember Quinn discussed the report that tracks online Recreation registration. She advised that the Recreation Board is working on a written policy for use of the Community Center.

**D) Attorney's Report**

**1) Garages**

Councilmember Waneck asked Mr. Huntington to draft an ordinance to deal with garages that were destroyed in the 2010 wind storm event. Under current ordinances rebuilding would have required a variance. She had thought to deal with it in the recodification but some people are anxious to rebuild. Such an ordinance will let garages be rebuilt within a year of destruction. The Governing Body conveyed their agreement.

**12. Ordinances of First & Final Reading:**

**Ordinances for Introduction**

10-26           An Ordinance Amending Chapter 65C Land Use and Development Regulations of the Code of the Borough of Westwood

**BE IT RESOLVED** that Ordinance #10-26 entitled “An Ordinance Amending Chapter 65C Land Use and Development Regulations of the Code of the Borough of Westwood” is hereby introduced by title; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to advertise said ordinance with an November 23 hearing date in the official newspaper according to law.

**Motion to pass the ordinance on First Reading:** Councilmember Waneck

Second: Councilmember Sciara

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

**12) Administrator’s / Clerk’s Report**

**a) Banking Services Award**

Mr. Hoffmann explained that TD Bank has decided to drop municipal business, which prompted an RFP for banking services. He recommended Atlantic Stewardship Bank as the best value.

Councilmember Waneck left at 10:28 p.m.

**b) Housing Task Force Report**

Councilmember Phayre said the monthly housing report was interesting. He asked what follow up was occurring. Mr. Hoffmann had no current update.

**c) Commuter Parking Stickers**

Mrs. Hughes reviewed her memo suggesting an increase in fee for the annual commuter parking stickers from \$1 to \$5. All agreed.

**10. Agenda/Public Forum:**

**Motion to open the Agenda/Public Forum:** Council President Miller

Second: Councilmember Phayre

Voice Vote: A voice vote was taken with all present voting in the Affirmative.

Lori Rielly, 59 Clinton Ave – asked what was the final cost for sod? Mayor Birkner said \$48,000. The original cost was \$94,000 but there was a credit of \$22,000 for seed and fertilizer not used, and Let It Grow lowered the price by \$25,000. This brought the total to \$48,000. Mr. Hoffmann said it equates to \$2.80 per square yard.

Scott Berkoben, 211 Center Ave – representing Glen Muller in the Newark Avenue situation. Mr. Berkoben reviewed his client's attempts to obtain a permit for a 2 family home. He detailed the issues with the retaining wall, for which Mr. Muller has received summonses from the Construction Official. Mr. Berkoben asked the Governing Body to entertain a request for an accommodation pertaining to the retaining wall. Mayor Birkner asked Mr. Huntington to get together with the Construction Official and draft a report on the matter.

**Motion to Close the Agenda/Public Forum:** Councilmember Sciara

Second: Council President Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

### **13. Presentation of Bills, Financial Reports and Resolutions:**

Mayor Birkner advised that the following Resolutions would be enacted in one motion. Councilmembers who wished to remove any Resolution(s) to be voted upon separately, had the opportunity to do so at this time, and said Resolutions would be considered separately.

Resolution 'i' Westvale Park Change Order #2 was removed. Council President Miller would like clarification on the amount of the change order.

Councilmember Grefrath said Council President Miller had asked about additional information on resolution 'd'. Council President Miller wants a comparison would like to go ahead and adopt the resolution.

Resolution 'j' was added.

#### **Resolutions as Consent Agenda:**

- a) Resolution #10 - 271: Bill List & Statement of Cash**
- b) Resolution #10 - 272: Certificate of Redemption B710 L2**
- c) Resolution #10 - 273: Award of Banking Services**
- d) Resolution #10 - 274: Award of Contract for Pascack 2010 NJDOT Contract Westwood**
- e) Resolution #10 - 275: Authorize Release of Performance Bond - Second Avenue Subdivision**
- f) Resolution #10 - 276: 2011 Limo License Renewal – Allison Luxury Limo**
- g) Resolution #10 - 277: Use of Veteran's Park for Cub Scout Pack #350**
- h) Resolution #10 - 278: Authorizing Payment of Voucher to Let It Grow for**

**Westvale Park Project**

- i) Resolution #10 - : Removed from consideration (Westvale Park Change Order #2)**
- j) Resolution #10 - 279: Authorizing Replacement of Sign in Girl Scout Park**

**Motion to adopt resolutions #10-271 through #10-279:** Councilmember Grefrath

Second: Councilmember Sciara

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Absent

Council President Miller – Yes

**14. Adjournment:**

**Motion to adjourn:** Councilmember Sciara

Second: Councilmember Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

The time was 10:45 pm.

Attest:

*(signed) Karen Hughes*

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk